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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**LEGALFORCE RAPC WORLDWIDE,
P.C.,**

Plaintiff,

V.

LEGALFORCE, INC.,

Defendant.

Case No. 22-cv-03724-RS

ORDER RE SERVICE OF PROCESS

Plaintiff has filed a motion under Rule 4(f)(3) of the Federal Rules of Civil Procedure for authorization to serve defendant in Japan by email and postal mail. (Dkt. No. 14). That Rule permits courts to approve of alternative service methods, as long as they are not “prohibited by international agreement.”

As of December of 2018, Japan, formally objected to service by postal mail under Hague Service Convention Article 10(a). *Syscom (USA), Inc. v. Nakajima USA, Inc.*, , 2020 WL 5357784, at *6, n. 3 (C.D. Cal. Jan. 29, 2020). Courts in this district have split regarding whether a country’s objection to Article 10 means that service by email is “prohibited by international agreement.” See *WeWork Companies Inc. v. WePlus (Shanghai) Tech. Co.*, 2019 WL 8810350, at *2 (N.D. Cal. Jan. 10, 2019) (reviewing district cases). Although more cases have approved of the practice than not, often plaintiffs in those case lacked physical addresses and/or pointed to particular urgency to accomplish service than would be possible through ordinary Hague Convention procedures.

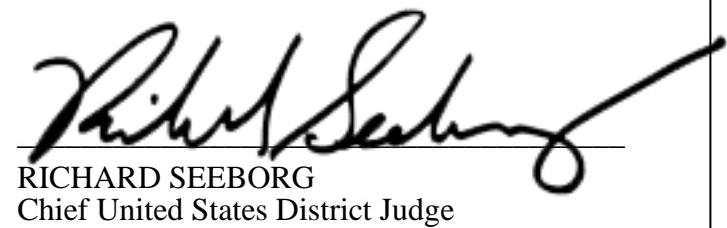
Given that the propriety of service by email to countries that have objected to Article 10 is

1 at least debatable, and that plaintiff here has not shown special urgency or an inability to serve at a
2 physical address, the motion for alternative service under Rule 4(f)(3) is denied.

3 Plaintiff also moves for an order appointing a process server to effect service under the
4 Hague Convention. (Dkt. No. 17). That motion will be granted, and the proposed order submitted
5 with the motion will be entered. Plaintiff's time to effect service is extended to December 1, 2022.
6 The initial case management conference is continued to January 12, 2023.

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8 **IT IS SO ORDERED.**

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10 Dated: July 26, 2022



RICHARD SEEBORG
Chief United States District Judge

United States District Court
Northern District of California

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